

Proposed Revisions to Napa Superior Court Local Rules – July 2013

The Napa Superior Court proposes to adopt the following revisions to its Local Rules, to be effective July 1, 2013. We welcome your comments, which should be submitted by May 2, 2013, to:

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- Rule 2.9 – Tentative Rulings – requires all noticed motions and petitions to include advisement of court’s tentative ruling system.
- Rule 2.16–Master Calendar System – Specifies that Napa Superior Court uses a Master Calendar system.
- Rule 7.16 A – Child Custody and Visitation – Revisions to reflect statutory changes.

Text of Proposed Revisions

Add at the end of Rule 2.9 Tentative Rulings

Each noticed motion or petition must include the following information, in bold type:

“The Napa Court uses a Tentative Ruling System. To receive the tentative ruling, visit the court’s website at <http://www.napacourt.com> or telephone the court at (707) 299-1270 after 3:00 p.m. the court day before the scheduled hearing date. Unless the court directs otherwise, no oral argument will be permitted unless a party or counsel for a party requests a hearing by calling the court and all other parties or counsel no later than 4:00 p.m. the court day before the hearing.”

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Current rule, to be deleted:

2.16 Direct Calendars

The assignment of a case to a direct calendar department is an assignment for all purposes within the meaning of Code of Civil Procedure section 170.6. (Effective 1/1/10; renumbered 1/1/11)

New rule:

2.16 Master Calendar System

The Napa Superior Court uses a Master Calendar system for civil and criminal matters. Unless otherwise ordered, cases are not assigned to a single judge for all purposes. (Effective 7/1/13)

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Rule 7.16.A

Given the change in the mediator complaint process, change rule 7.16.A.11, as set forth below:

Current rule:

11. Mediation Complaints and Requests for New Mediator.
Complaints regarding a mediator are handled as follows:

a. Complainant shall complete a form provided by Family Court Services and mail or deliver it to the Family Court Services Manager.

The Manager will conduct an investigation of the matter including consultation with the mediator(s) assigned to the case. Within 15 days, the Manager will determine whether to replace the challenged mediator, add a second mediator to the case, or take no action. The date and action will be recorded by the Manager and the complainant will be informed promptly in writing. The Manager's decision is final.

Revised rule:

11. Mediation Complaints and Requests for New Mediator.
Complaints regarding a mediator are handled as follows:

a. Complainant shall complete a form provided by Family Court Services and mail or deliver it to the **Court Executive Officer**.

The **Court Executive Officer or his/her designee ("investigator")** will conduct an investigation of the matter including consultation with the mediator(s) assigned to the case. Within 15 days, the **investigator** will determine whether to replace the challenged mediator, add a second mediator to the case, or take no action. The date and action will be recorded by the **investigator** and the complainant will be informed promptly in writing. The **investigator's** decision is final.